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Attorneys for Defendant
APPLE INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

AMANDA FRLEKIN, AARON GREGOROFF,
SETH DOWLING, DEBRA SPEICHER; AND
TAYLOR KALIN, on behalf of themselves and
all others similarly situated.

Plaintiffs.

V.

APPLE INC.,

Defendant.

Case No. 13cv03451-WHA

**STIPULATED REQUEST FOR ORDER
SHORTENING TIME FOR NOTICE
AND HEARING ON MOTION FOR
PRELIMINARY APPROVAL OF
STIPULATION REGARDING CLASS
AND PRIVATE ATTORNEYS
GENERAL ACT SETTLEMENT AND
RELEASE FOR CLASS OF 105
ADDITIONAL EMPLOYEES (L.R. 6-2);
PROPOSED ORDER**

Place: Ctrm. 12, 19th Floor
Judge: Hon. William Alsup

Pursuant to Local Rules 6-2 and 7-12, Plaintiffs Seth Dowling, Aaron Gregoroff, Taylor Kalin, and Debra Speicher on the one hand, and Defendant Apple Inc. on the other hand, by and through their counsel of record (together the “Parties”), hereby jointly make this Stipulated Request for an order shortening time for notice and hearing on Plaintiffs’ Motion for Preliminary Approval of the Stipulation Regarding Class and PAGA Settlement and Release for Class of 105 Additional Employees (the “Separate Motion for Preliminary Approval”), to address 105 additional employees who were inadvertently (according to Apple and its counsel) omitted from Apple’s Employee List and thus were not provided with notice of the original Stipulation Regarding Class and Private Attorneys General Act Settlement and Release (the “November 2021 Settlement Agreement”) in this case. The Separate Motion for Preliminary Approval is filed concurrently with this Stipulated Request, with a stated hearing date of August 11, 2022, consistent with the Local Rules and this Court’s requirements for noticed motions and hearing dates.¹

In order to prevent delay and prejudice to the over 14,000 employees who were provided with notice under the November 2021 Settlement Agreement, as well as the 105 Additional Employees who were not, the Parties jointly propose, stipulate and request that the Court shorten the time for notice and advance and hear Plaintiff’s Separate Motion for Preliminary Approval at the same time as the previously-scheduled hearing on Plaintiff’s Motion for Final Approval of Class Action Settlement and Approval of Plan of Allocation (Dkt. 446) (“Motion for Final Approval of the November 2021 Settlement Agreement”), set for July 7, 2022. Good cause exists for shortening time for notice and hearing of the Separate Motion for Preliminary Approval so the Court may consider it together with the Motion for Final Approval of the November 2021 Settlement Agreement, as hearing these motions together will minimize further delays in payment to the 105 Additional Employees, and efficiency is served as there is no material difference between the terms

¹ See, Notice of Motion and Motion for Preliminary Approval of Stipulation Regarding Class and Private Attorneys General Act Settlement And Release For Class of 105 Additional Employees (“Separate Motion for Preliminary Approval”), Dkt. _____. Contemporaneously with the submission of the Separate Motion for Preliminary Approval, Plaintiffs filed the Joint Declaration of Lee S. Shalov and Kimberly A. Kralowec in Support of Motion for Preliminary Approval of Stipulation Regarding Class and Private Attorneys General Act Settlement, and Release for Class of 105 Additional Employees (the “Joint Decl.”); Dkt. _____. Attached as Exhibit 1 to the Joint Decl. is the Stipulation.

1 of the November 2021 Settlement Agreement and the Separate Settlement Agreement and the
 2 Separate Settlement Agreement affords the 105 Additional Employees the same net payment per
 3 shift in settlement of this action as every Participating Class Member will receive from the
 4 November 2021 Settlement Agreement (with the addition of interest to compensate for the delay in
 5 payment after notice and approval of the Stipulation). Declaration of Kathleen Styles Rogers in
 6 Support of Stipulated Request for Order Shortening Time for Notice and Hearing of Motion for
 7 Preliminary Approval of Stipulation Regarding Class and Private Attorneys General Act Settlement
 8 and Release for Class of 105 Additional Employees (filed herewith) ¶3.

9 WHEREAS, on or about November 11, 2021, Plaintiffs and Apple entered into the
 10 November 2021 Settlement Agreement (Dkt. 416-2);

11 WHEREAS, on December 28, 2021, the Court granted Plaintiffs' motion for preliminary
 12 approval of the November 2021 Settlement Agreement (Dkt. 431);

13 WHEREAS, in connection with the notice process that went forward after the Court granted
 14 preliminary approval of the November 2021 Settlement Agreement, Apple concluded that there
 15 were 105 additional individuals who transferred into a California location between August 3, 2015
 16 and December 26, 2015: (i) had worked as a non-exempt employee at an Apple retail store in
 17 California during this time period; (ii) had not been identified as a Settlement Class Member; and
 18 (iii) consequently were not sent Notice of the November 2021 Settlement Agreement (Erwin Decl.,
 19 ¶10);

20 WHEREAS, Apple concluded that these 105 individuals collectively worked 10,781 shifts
 21 at a California retail location during the Class Period (more specifically, between August 3, 2015
 22 and December 31, 2015) (*Id.*);

23 WHEREAS, the Parties wish to provide relief for the 105 additional individuals without
 24 delaying relief to the Settlement Class Members covered by the November 2021 Settlement
 25 Agreement and without compromising the interests of those Settlement Class Members in any
 26 respect;

27 WHEREAS, the Parties have agreed to a proposed resolution of the Class Claims and PAGA
 28 Claims of these 105 individuals pursuant to the terms of the Separate Settlement Agreement attached

1 to the Joint Decl. as Exhibit 1; and.

2 WHEREAS, Defendant Apple stipulates that it supports and will file no opposition to the
3 Separate Motion for Preliminary Approval;

4 NOW, THEREFORE, the Parties stipulate and jointly request that the Court shorten time for
5 notice and advance the hearing for Plaintiffs' Separate Motion for Preliminary Approval (Dkt. 448),
6 and that the Court permit said Separate Motion for Preliminary Approval to be heard concurrently
7 with Plaintiffs' Motion for Final Approval of the November 2021 Settlement Agreement (Dkt. 446),
8 set for hearing on July 7, 2022 at 8:00 a.m. in this Court.

9 Dated: June 29, 2022

DLA PIPER LLP (US)

11 By: /s/ Matthew Riley
12 JULIE DUNNE
MATTHEW RILEY

13 *Attorneys for Defendant Apple Inc.*

15 Dated: June 29, 2022

McLAUGHLIN & STERN, LLP

17 By: /s/ Lee Shalov
18 LEE SHALOV

19 *Attorneys for Plaintiffs and the Class*

22 **ATTESTATION**

23 In accordance with Local Rule 5-1(i)(3), I attest that the other Signatories named above have
24 concurred in the filing of this document.

25 Dated: June 29, 2022

McLAUGHLIN & STERN, LLP

27 By: /s/ Jason S. Giaimo

28 *Attorneys for Plaintiffs and the Class*

1 **[PROPOSED] ORDER**

2 Pursuant to the parties' stipulated request, and good cause existing, the Court hereby shortens
3 time for notice and advances the hearing of Plaintiffs' Notice of Motion and Motion for Preliminary
4 Approval of Stipulation Regarding Class and Private Attorneys General Act Settlement and Release
5 for Class of 105 Additional Employees (Dkt. 448), and orders that said Motion will be heard
6 concurrently with Plaintiffs' Motion for Final Approval of Class Action Settlement and Approval
7 of Plan of Allocation (Dkt. 446), set for hearing on July 7, 2022, at 8:00 a.m. in this Court.

8 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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10 Dated: July 5, 2022

11 
12 William Alsup
13 United States District Judge

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